

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

AUS920010767US1

First named inventor: **Arnold Jeffery Daks**

Application No.: **09/966,004**

Art Unit: **2192**

Filed: **09/28/2001**

Examiner: **John J. Romano**

Title: **A computer controlled display system for tracking the development of software products having a plurality of development lines through the monitoring of sequences checkpoints respectively in said lines.**

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ **1,500** (37 CFR 1.17(m)) Please charge this fee and any additional fees to PTO Acct. No. **09-0447**

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of **amendment** (identify type of reply):

- ☐ has been filed previously on _____
☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____

- ☐ has been paid previously on _____
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature

J. B. Kraft

Date

7/30/07

19,226

Typed or printed name

Please direct all correspondence to
Martha Acosta, IBM Corp.

Address

IP LAW Dept. 11400 Burnet Rd.
Austin, TX 78758

Address

Registration Number, if applicable

(512) 473-2303

Telephone Number

Enclosures: ☐ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☐ Other: _____**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date

Signature

Typed or printed name of person signing certificate

PATENT

09/966,004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : Group Art Unit: 2192
: Examiner: J. J. Romano
Arnold J. Daks et al. : Intellectual Property
Serial No: 09/666,004 : Law Department - 4054
Filed: 08/28/001 : International Business
Title: A COMPUTER CONTROLLED : Machines Corporation
DISPLAY SYSTEM FOR TRACKING : 11400 Burnet Road
THE DEVELOPMENT OF SOFTWARE : Austin, Texas 78758
PRODUCTS HAVING A PLURALITY : Customer No. 32,329
OF DEVELOPMENT LINES THROUGH :
THE MONITORING OF SEQUENCES :
OF CHECKPOINTS RESPECTIVELY :
IN SAID LINES :
Date: _____ :

Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT (ITEM 4) ACCOMPANYING PETITION FOR REVIVAL FOR
PATENT APPLICATION ABANDONED UNINTENTIONALLY 37CFR1.137(b)

I, Martha Acosta, am employed in the IPLaw Department
of IBM Corporation, 11400 Burnet Rd., Austin TX. 78758.

I handle all administrative functions for the present
patent application on behalf of Jeffrey LaBaw, the IBM
attorney, and J. B. Kraft, the outside attorney who is
prosecuting this application for IBM Corp.

Upon being advised of the Notice of Abandonment, dated
July 2, 2007 herein for failure to respond to the Official
Action mailed December 15, 2006, I investigated the facts,
and found the following. The Official Action did arrive at

AUS920010767US1

PATENT

09/966,004

the IBM IPLaw Dept., Austin Texas during the week of December 18-22, 2006 and was logged into the IBM internal WPTS (World Patent Tracking System) database which is not a follow-up database. In order to institute follow-up, the Official Action should have been given to me, the responsible administrator so that I could forward the Action to Mr. Kraft, the attorney for response and track such response.

Unfortunately, the period December 18-31, 2006 was a vacation period for the entire IBM Austin IPLaw staff. There was only a skeleton crew of two inexperienced people staffing the Austin IPLaw administration during this period. I believe that the Official Action appears to have been directly filed in the docket folder without having been given to me for appropriate action. Consequently, it was not given to an attorney, and not followed up.

The misplacement of the Official Action was unintentional. The IBM IPLaw Department Office Manager, Cheryl Work is aware of this situation, and intends to take corrective action

Respectfully submitted,

Martha Acosta 7/25/07

Martha Acosta
IPLaw Administrator
IBM Corporation
Austin Texas

AUS920010767US1